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"By 31 Charles II. c. 2. commonly called the Habeas Corpus Act, the methods of obtaining the writ of habeas corpus are so plainly pointed out and enforced, that, so long as this statute remains unimpeached, no subject of England can be long detained in prison, except in those cases in which the law requires and justifies such detainer. Of great importance to the public is the preservation of this personal liberty: for, if once it were left in the power of any, the highest, magistrate to imprison arbitrarily whomever he or his officers thought proper (as in France it is daily practised by the crown), there would soon be an end to all other rights and immunities."—BLACKSTONE'S COMMENTARIES, Book I. Ch. 1.

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FOREIGN OFFICIAL PAPERS.

AMERICAN FINANCE.—*Report (annually made) of the Secretary of the Treasury of the United States to the two Houses of Congress. Dated at the City of Washington, 19th November, 1804.*

REVENUE.

The nett revenue, arising from duties on merchandise and tonnage, which accrued during the year 1802, and on which the estimates of last year were predicated, amounted, as will appear by the statement (A.) to ten millions one hundred and fifty four thousand dollars. The nett revenue arising from the same sources, has amounted, as appears by the same statement, to eleven millions three hundred and six thousand dollars. And it is ascertained that the nett revenue which accrued during the three first quarters of the year 1804, considerably exceeds that of the corresponding quarters of the year 1803. Without drawing any inference from the increase of the present year, an increase which must be ascribed to the situation of Europe, and will eventually be diminished by the subsequent re-exportations; that branch of the revenue, may exclusively of the Mediterranean fund, be safely estimated at ten millions seven hundred and thirty thousand dollars, which is the average of the two years 1802 and 1803. The actual payments in the treasury on account of those duties, during the year ending on the 30th September last, amounting nearly to the same sum; (A) and there is no reason to suppose that the receipts of the ensuing will fall short of those of last year.—The statement (B) exhibits in detail the several species of merchandise and other sources, from which that revenue was collected during the year 1803.—It also appears that the revenue, arising from the sales of public lands, is gradually increasing. The statement (C.) shews that exclusively of the September sales at Cincinnati, three hundred and fourteen thousand acres have been sold during the year ending on the 30th of September last. The proceeds of those sales, calculated on the supposition that every purchaser will be entitled to the discount allowed in cases of prompt payment, would yield five hundred

and fifteen thousand dollars. And notwithstanding the difficulties which exist, in drawing into the treasury the monies collected by the receivers of the remote land offices, it is believed that the actual receipts from that source, will for the ensuing year, exceed four hundred and fifty thousand dollars.—The permanent revenue of the United States may therefore, including the duties on postage and other small incidental branches, be computed at eleven millions two hundred thousand dollars.—And the payments in the treasury during the year 1805, on account of the temporary duties which constitute the "Mediterranean Fund" are estimated at five hundred and fifty thousand dollars; making in the whole, for the probable receipts of that year, a sum of eleven millions seven hundred and fifty thousand dollars, 11,750,000

EXPENDITURES.

The expense of the year 1805, which must be defrayed out of that revenue, consist of the following items:

1. The annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt; of which near 3,700,000 dollars will be applicable to the discharge of the principal, and the residue to the payment of interest 8,000,000
2. For the civil department and all domestic expenses of a civil nature, including military pensions, the light-house and mint establishments, and the expenses of surveying public lands, 952,000
3. For expenses incident to the intercourse with foreign nations, including the payment of awards under the 7th article of the British treaty, and the permanent appropriation for Algiers, 294,000
4. For the military and Indian departments, including the permanent appropriation for certain Indian tribes, 954,000

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5. For the naval establishment, viz. annual appropriation charged to the ordinary revenue, - - -	650,000
Extra expenses of the last expedition against Tripoli, which will be payable in the year 1805, and are charged to the Mediterranean fund, - - -	590,000
	<hr/> 1,240,000
6. Reserved out of the Mediterranean fund for meeting other extraordinary expenses which may be incurred under the act constituting the fund, - - -	100,000
	<hr/> 11,540,000
Making together eleven million five hundred and forty thousand dollars, and deducting from the revenue of - - -	11,750,000
	<hr/>

Leaves a surplus of more than two hundred thousand dollars, 210,000

MEDITERRANEAN FUNDS.

The sum which may probably be received during the year 1805, on account of that fund, and the payments during that year, which will ultimately be charged to the fund, are included in the preceding estimate of receipts and expenditures; but it is necessary to give a distinct view of the whole amount of revenue and expenses under that head.—The value of merchandise, paying duties, *ad valorem*, which was imported in the year 1802, amounts, after deducting the exportations of the same year, to thirty one millions seven hundred and six thousand dollars. The value of the same description of merchandise imported in the year 1803, amounts to thirty four millions three hundred and seventy thousand dollars. The additional duty of two and a half per cent. on that description of imported articles, constitutes the Mediterranean Fund, and calculated on the average importation of the two years, would have yielded annually eight hundred and twenty six thousand dollars. But several articles which, in the year 1802 and 1803, paid duties *ad valorem*, having in lieu thereof, been charged with specific duties, by an act of last session, are not liable to the additional duties of two and an half per cent. Although the value of those articles cannot be precisely ascertained, it is believed that the deduction on that account will not amount to fifty thousand dollars, and that the proceeds of the additional duty may be computed at the annual sum of seven hundred and eighty thousand dollars; and for the

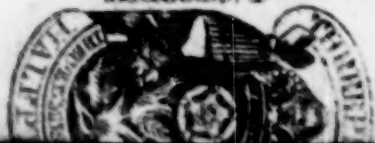
eighteen months commencing on the first July, 1804, and ending on the 31st December, 1805, at one million one hundred and seventy thousand dollars.—The expenses authorised under the act constituting the fund have been predicated on that estimate, and apportioned in the following manner:

1. For the navy department (in addition to the annual appropriation of 650,000 dols.) viz. There had been advanced from the ordinary revenue, prior to the 30th September, 1804, - - -	350,000
A further payment will be made before the 1st Jan. 1805, of - - -	130,000
To be paid during the year 1805, on account of this fund, as stated under the fifth item of expenditures for that year, - - -	590,000
	<hr/>
2. Reserved for other extraordinary expenses which may be incurred for the same object, being the sixth item of expenditure for the year 1804, - - -	1,670,000
	<hr/>
	100,000
	<hr/>
	1,170,000
	<hr/>

Those duties began to operate on the first day of July last, but as they are payable six, eight, nine, ten, and twelve months after the portation, no part will be paid in the treasury during the present year; and a sum of only 550,000 dollars, is expected to be received in the course of the year 1805. For that sum only credit has been taken in the general estimate of receipts for that year; whilst a part of the 1,170,000 dollars, chargeable to the fund has already been expended; and the rest is included in the preceding estimate of expenses for 1805. The difference amounting to 620,000 dollars, will at the end of the next year, consist of outstanding bonds payable in 1806; and if the additional duty should as well as the extraordinary expense for which it is appropriated, cease at that time, that outstanding balance will, as it is collected, replace in the treasury the sum advanced from the ordinary revenues in anticipation of the proceeds of the fund. For it is hoped that the situation of the treasury, will render it unnecessary to recur to the authority, given by the act, to borrow on the credit of the fund.

BALANCE IN THE TREASURY.

The greater part of the balance of 5,360,981 dollars 54 cents, which on the 30th day of September, 1803, remained in the treasury, was, in the last year's report, considered as applicable to the payment of certain extraordinary demands therein stated.



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As no payment has been made on that account during last year, besides the first instalment of eight hundred and eighty-eight thousand dollars, due to Great Britain, nor any other extraordinary expenses been discharged than the advance of 350,000 dollars, in anticipation of the Mediterranean fund, the balance remaining in the treasury on the 30th of Sept. 1804, still amounted to 4,882,225 dollars and 11 cents. That sum, together with the estimated surplus of revenue, for the year 1805, the sum advanced from the ordinary revenue to the Mediterranean fund, and the arrears of direct tax and internal revenues, may still be considered as sufficient to discharge the balance of 1,776,000 dollars due to Great Britain, the loan of 200,000 dollars, due to Maryland, and two millions of dollars, on account of the American claims assumed by the French convention. As the greater part of these demands will be paid in the course of the year 1805, the balance will not probably at the end of that year exceed the sum which it is always expedient to retain in the treasury.

PUBLIC DEBT.

It appears by the estimate (D) that the payments on account of the principal of the public debt have, during the year ending on the 30th of Sept. last, amounted to

3,652,887 15

And during the three years and an half, commencing on the 1st day of April, 1801, and ending on the 30th September 1804, to

13,576,891 89

During the same period a new debt of thirteen millions of dollars has been created by the purchase of Louisiana, viz.

Six per cent stock issued in conformity with the convention, 11,250,000

Amount of American claims assumed by the convention, and for the payment of which, authority has been given to obtain a loan; two millions thereof being already provided for, out of the surplus specie in the treasury, 1,750,000

13,000,000

Another view of the subject may be given in the following manner; the balance in the treasury amounted, on the 1st day of April, 1801, to

1,794,044 85

And on the 30th of September, 1804 to

4,882,225 11

Making an increase of 3,088,180 26
From which deducting the proceeds of the sales of the bank shares, 1,287,600

Leaves for the increase arising from the ordinary revenue, 1,800,580 26

From the 1st day of April, 1801, to the 30th September, 1804, the following debts which originated prior to that period have been discharged.

1. Payment on account of the domestic and foreign debt, as above stated, 13,576,891 86

2. First instalment of the sum payable to Great Britain, "in satisfaction and discharge of the money which the U. States, might have been liable to pay, in pursuance of the provisions of the 6th article of the treaty of 1794." 888,000

14,464,891 86

Making altogether, 16,265,472 12
And from which, deducting 15,000,000, 15,000,000

being the purchase money of Louisiana, leaves 1,265,472 12

a difference of more than twelve hundred thousand dollars in favour of the United States.—It may be added that if the revenue shall, during the ensuing year, prove, as is not improbable, more productive than has been estimated, the surplus will be applied towards the payment of the above mentioned sum of 1,750,000 dollars, yet unprovided for, on account of the American claims, and will so far diminish the amount of the loan authorised for that object.—From the preceding statements and estimates, it results that the United States have, during the period of three years and an half, ending on the 30th of September last, discharged a larger amount of the principal of their old debt, than the whole amount of the new debt, which has been or may be created in consequence of the purchase of Louisiana; and that their existing and growing resources will, during the ensuing year, be sufficient, after defraying the cur-

rent expenses of the year, and paying more than 3,750,000 dollars on account of the engagements resulting from the French and British conventions, to discharge a further sum of near three millions and seven hundred thousand dollars of the principal of the public debt.—All which is respectfully submitted, —ALBERT GALLATIN.

AMERICAN FINANCE.—*Report of the secretary of the treasury of the United States, relative to the supplies for the year 1805. —Dated Washington city, 17th November, 1804.*

That for the service of the year 1805, the following appropriations, as detailed in the estimates herewith transmitted, appear to be necessary.—**FOR THE CIVIL LIST**, for the support of government including the contingent expenses of the several departments and offices, sundry expenses incident to the assessment of the direct tax, and the civil expenses of the territory of Orleans, dollars, 611,911, cents, 50.—**FOR MISCELLANEOUS EXPENSES**, viz. For the payment of grants and annuities, 1,500. For military pensions, 98,000. For the support of the mint establishment, 9,400. For the support of the light-houses, beacons, buoys, and public piers, and other establishments for the security of navigation, including six months additional supply of oil to the several light-houses, 126,776 53. For defraying the expenses of surveying the public lands in the territories of Indiana and Mississippi, 40,000. For defraying the expenses of the second census, 14,162, 77. For the purchase and erection of wharfs and stores under the quarantine law, 17,143, 01. The two last sums being the unexpended balances of former appropriations. For satisfying miscellaneous claims, 4,000. In the whole, 310,982 38. **FOR THE EXPENSES OF INTERCOURSE WITH FOREIGN NATIONS**, viz. For the diplomatic department, 77,050. For the expenses incident to the intercourse with the Barbary powers, 113,500. For the payment of awards under the 7th article of the British treaty, 70,000. For aid to distressed seamen in foreign countries, 5,000. For prosecuting claims in relation to captures, 4,000. In all : 269,550.

—**FOR THE MILITARY ESTABLISHMENT**, viz. For the army, including expenses, of transportation and contingent expenses, 711,122 83. For fortifications, arsenals, magazines, and armouries, 132,296 88. For the Indian department, 92,600. For the pay and emoluments of the commanding officers of the five districts of Upper Louisiana, 5,971,177. In all : 942,992 48.—

FOR THE NAVAL ESTABLISHMENT, viz. For the expenses of six frigates, two brigs, and three schooners in actual service, 743,688 64. For the crew of the frigate Philadelphia, 71,340 76. For the expenses of two gun-boats in actual service 12,078 92. For the repairs and expenses of the vessels in ordinary, including the half pay of the officers not in actual service, 228,957 10. For the support of the marine corps, 110,434 58. For improving navy yards, docks, and wharfs, 60,000. For completing the marine barracks, 3,500. In all : 1,240,000. —**TOTAL** 3,875,435 22.—The funds out of which appropriations may be made for the purposes before-mentioned, are,—*First*, The sum of six hundred thousand dollars of the proceeds of duties on imposts and tonnage which will accrue in the year 1805 : which sum is by law annually received for the support of government.—*Secondly*, The surplus of the proceeds of the additional duty of two and a half per cent. *ad valorem* laid on certain descriptions of imported merchandize, by the act “ further to protect the commerce and seamen “ of the United States against the Barbary “ powers.” which may accrue to the end of the year 1805, after satisfying the expenses already incurred on the credit of that fund. —*Thirdly*, The surplus of the revenue and income of the United States which may accrue to the end of the year 1805, after satisfying the objects for which appropriations have been heretofore made.—The secretary also transmits a statement of the receipts and expenditures of the United States for the year prior to the first of October last, being the latest period to which an account can be prepared.—All which is respectfully submitted.—ALBERT GALLATIN.

GUADALOUPE—*Copy of Orders of the Prefect of Guadaloupe : to all American Captains.—Orders of the Prefect of Guadaloupe.*

It is forbidden to all American captains, under the penalty of 200 dollars, to introduce into this colony any newspapers, gazettes or proclamations from any part of the world whatsoever : and if they have any on board, they may and must deposit them at the captain of the port's office.—Done at Basse-terre, (G) the 5th Vendemaire, 5th year of the French Republic.

(Signed) G. ROBERT.

SAINT DOMINGO.—*Liberty or Death.—Imperial Decree.*

Jacques, Emperor of Hayti, directs the

following ordinance to be carried into effect throughout his dominion.—All vessels to whatever nation belonging that shall introduce spirituous liquors into this Island, shall be liable to pay a duty of two dollars per gallon on the liquor thus imported.—The General, Minister of the Finances, is specially charged with the execution of this decree, and the Generals and other military authorities are directed to aid and assist in carrying the same into effect.—Done at the Imperial Palace of Dessalines, the 22d day of September, in the first year of independence and of our reign. **DESSALINES.**

By order of the Emperor,

BOISROND TONNERE.

SAINT DOMINGO.—*Liberty or Death.*—Decree.—*Jacques the First Emperor of Hayti.*

Being informed that the captains of American vessels, that arrive in the different ports of our Empire, make a practice of selling their cargoes, wholesale or retail to small dealers.—Considering that the above practice is prejudicial to commerce, and favours the exportation of all the specie from the Island, we determine to put a stop to it.—We therefore, Decree and ordain the following to be executed in its utmost extent.—**ARTICLE 1st.**—We forbid promptly every captain of a foreign vessel arriving in the ports of our Empire, to sell their cargoes by retail to small dealers, or private persons. **ARTICLE 2d.**—The merchants established by virtue of our Letters Patent, shall have the sole power to treat for the cargoes either separately or jointly.—**ARTICLE 3d.**—Every merchant, foreign or domestic, who shall receive [directly, consignments of vessels, shall not sell the merchandise by retail, and shall conform according to Article 2d, with respect to the sale of their cargoes.—**ARTICLE 4th.**—The merchants established by our Letters Patent, shall not treat with the Consignees of Foreign vessels, until the administration shall have made choice of such articles as are necessary for the army.—**ARTICLE 5th.**—Any person or persons contravening the present decree, shall be fined three hundred dollars for the first offence, and five hundred for the second.—We give notice to, and order, the Minister General of Finances, the General of Division, and Brigade, the Principal and Private Administrators, to keep under guard, all who shall contravene the above Decree.—Done at our Imperial Palace, at the Cape, the 15th October, 1804, first year of our Independence, and of our Reign the first.—(Signed)

JACQUES, the First.

By the Emperor,

DIAGOUY, General of Horse.

SAINT DOMINGO.—*Liberty or Death.*—Decree. Jacques the 1st, Emperor of Hayti.—Taking into view, the protection and good will, that we show to foreigners, who transact commercial concerns with us; and who, instead of occupying themselves with their commerce, and respecting the laws of the country with which they deal, are pursuing the most extraordinary conduct, in facilitating the escape of men and women of colour, natives of the country.—We therefore, ordain and decree the following, to be executed to the utmost of its rigor:—**Article 1st.**—Every captain of a foreign vessel, armed or not, on board of which, one or more persons, natives, shall be found, to be carried to a foreign country; such captains shall be arrested and thrown into prison, there to lay ten months, and after that time, to be sent to his own country, with express orders not to return to the Empire of Hayti, at his peril. The vessel and cargo shall be confiscated for the benefit of the empire.—**Article 2d.**—Every native taken on board such a foreign vessel, shall immediately be shot in the Public Square.—The generals of division and brigades, and the different commanders, are charged with the execution of the present decree.—Done at our Imperial Palace, at the Cape, the 22d October, 1804, first year of our independence, and of our reign the first. (Signed) **JACQUES.**

By the Emperor. **CARRONNE.**
Gen. of Horse, near his Imperial Majesty.

DOMESTIC OFFICIAL PAPERS.

PARISH ARMY FINES.—Circular Letter from Lord Hawkesbury, Secretary of State, to the Lord Lieutenants of Counties.—Dated Whitehall, Feb. 18, 1805.

MY LORD,

The Inspector-General having transmitted to the Magistrates assembled at the last General Quarter Sessions of the Peace, a Certificate of the Deficiencies and Vacancies then remaining to be filled up in the Additional Force in the county of

, pursuant to the Act of the 44th George III. cap. 56. sect. 33. I have to request that your Lordship will obtain from the Chairman of the Quarter Sessions, or the Clerk of the Peace, a statement, shewing, whether the penalties for the men so certified to be deficient have been duly assessed upon the parishes in default, or in what instances, if any, the same has been omitted to be done, and that you will be so good as to furnish me therewith.

It may be proper to apprise your Lordship, for the better information of the parties concerned, and in order to prevent any

delay in the levying or payment of the penalty grounded on an expectation of its being hereafter remitted or not required of them, that the above Act, sect. 37, imposes a fine of double the amount of the penalty in case the same is not assessed, levied, or paid, within the times limited therein; which provision it will be the duty of His Majesty's Government to enforce, in order to ensure the complete execution of the measure adopted by Parliament.

SUMMARY OF POLITICS.

FRENCH FLEETS.—There are, it seems, *two* French fleets, or rather squadrons, at sea. The Toulon squadron we hear nothing of; and, if it be gone to Egypt, its sailing may certainly be regarded as a fortunate circumstance for this country; because there it can do us no harm, notwithstanding all the opinions of Mr. Pitt and Lord Melville; for, if India really be in danger from such an expedition, India is a burthen not to be borne by this kingdom. If we are to defend all the coasts of Africa and Asia, in the Mediterranean, for the sake of India, there can, I think, be no doubt, except amongst those who roll in the riches procured by India jobs, that the sooner we are rid of India the better.—From the Rochefort squadron, if bound for the West Indies, there is much to be apprehended. They will get into Guadaloupe without any difficulty, and thence they may do us much mischief.—Whatever be the consequences of the escape of these squadrons, it cannot but be remarked, that they have effected that during the administration of Lord Melville, which they could not, or, at least, which they did not, effect during the administration of Lord St. Vincent. It is possible, that there may be no fault on the part of the Admiralty; but, it is right to notice the circumstance. The sailing of the French squadrons proves to us, that, with all our thousand vessels of war, the sea is yet too wide for us. Those who rely solely on our fleets for defence may now perceive, that their reliance is not well founded. It is now proved also, that the French navy was not in that beggarly and inefficient state, in which it has so repeatedly been represented to be. Part of the plan of Napoleon was to repair his fleet, while his flotilla kept our fleet buffeting and wearing out in the Channel. The ministerial writers have often told us, that it was impossible, absolutely impossible, for him to obtain wherewith to refit his ships of the line. He has, however, succeeded in it; and we shall, therefore, do well not to place so full a confidence in those writers, for the future. To say the

truth; while his present plans and our present plans, or rather, our *na* plans, be pursued, a very small naval force will enable him to give us most terrible annoyance. If the newspaper statements be true, he has, however, forty ships of the line, at least, in good repair. Spain has some, and so has Holland; and, though all this, as matched against the British fleet would be nothing, were not the system of France changed, it is a good, when considered as merely subsidiary to the flotilla, to watch which alone occupies more of the British marine than ever was before required to watch the fleets of France.

CAPE OF GOOD HOPE.—When we read, in the ministerial papers, passages like the following. "A report has reached this country from Holland, the truth of which it would give us *the sincerest satisfaction* to be enabled to confirm.—The report to which we allude states, that upon the appearance of a British force off the Cape of Good Hope, an insurrection had taken place in that colony, and that the insurgents had succeeded in compelling the governor to surrender to the British. It has been known for some time that a very great degree of discontent has prevailed among the Dutch troops at the Cape, which gives some appearance of probability to the story, but until we receive some more authentic information, we cannot give it any credit."—When we read such passages, it is quite impossible not to recollect, that those who made the peace of Amiens rejoiced, that we were rid of the Cape of Good Hope, which they scrupled not to represent as an enormous load upon the country, and as having, by the possession of Ceylon, been rendered *entirely useless* to Great Britain. Nay, the very print, from which this extract is taken, was amongst the most forward to maintain that opinion, and to accuse of ignorance, factiousness, and almost with disaffection, those who dissented therefrom. If the report above stated be true, here is *more war for India!* More India jobs; more millions to be extracted from our labour, in order that we may be reduced down to a temper that may fit us for the domination of the nabobs, who draw from us the produce of that labour through the means of India. There is no good ground for blaming these nabobs. The fault is not theirs. They have an undoubted right to obtain riches as soon as they can, and with as little labour, provided they are guilty of no breach of the law in obtaining them. But, if we blame them not, either individually or collectively, we are fully justified in falling

upon *the system*, out of which they have sprung, and are springing faster than ever.

CLIMBING IN THE ATTITUDE OF CRAWLING.—The Pitt newspaper, the SUN, has endeavoured to give a new turn to the sentiments of its readers, relative to the silence of Mr. Pitt, on the evening of Mr. Windham's motion. The following is the passage alluded to, extracted from that print of the 25th ultimo. "Mr. Pitt cannot please the Opposition writers by speaking or by silence. They seem to be very much offended indeed because he did not answer Mr. Windham last week, though the subject was *so backneyed* that nothing new could be said upon it, and though it is evident that the system which Mr. Windham condemned is yet but on its trial. The truth is, that Mr. Windham is too apt to *indulge his imagination*, or to deviate into refinements which admit of no *solid* reasoning, and, therefore, though he may *amuse*, he does not *excite conviction*. Mr. Canning said all in reply to him that the subject demanded, and any further observation from Mr. Pitt would have been mere superogation." It must be confessed that the "young friends" know very well how to dissemble. They are in tortures for the humiliation of their chief, and in still greater tortures for the approaching loss of their own borrowed consequence; yet they affect to be at ease. *Hacknied* and *ubimical* and *amusing* and *unconvincing*, however, as the speech of Mr. Windham was, and bitter as must have been the soul of Mr. Canning, when set up to answer it, that gentleman did not venture to begin what is called his *answer*, until he had expressed his wish (a very sincere one, without doubt), that Mr. Windham were in office, that the government might have his assistance in carrying his plans into execution. No; though the public be in a palsied state; though it be "like the weed that rots on Lethe's pool," still it will no longer believe representations like that above quoted from the SUN. People are fully persuaded, and the persuasion is general, that Mr. Pitt is a miserable war-minister; they care very little about him or his majorities; nor indeed, do they care much about any public matter, but they have, one and all, the utmost contempt for him as a minister of war. They hope nothing from him or from his plans. When put into a good fright about Buonaparté and his flotilla, they cling to the first thing they see and can get hold of; but they entertain, at this moment, nothing that is worthy of the

name of *confidence*. They feel that there is no real military force sufficient to protect them: they have a sort of vague hope that they shall not absolutely be conquered and yoked, and no further does even their hope extend. What joy peace, upon *any terms*, would give them, may easily be guessed at by the sensations that were so visible when Buonaparté's letter arrived. They see no object in the war; they rely upon none of the persons or the means by which the war is prosecuted; but they would to-morrow approve of any peace, and of any set of persons by whom that peace should be made. What nonsense is it, then, to talk about the approbation of the people of any measure, or of any man! Yet, as far as such a people can be said to feel or to express themselves relative to any matter of public concern, the people certainly have felt, and have expressed themselves, in favour of the military system proposed by Mr. Windham.—As to Mr. Pitt's silence, there is, besides the utter inability which he must have felt to obtain any approbation *worth having* in answer to a speech such as that of Mr. Windham; besides this reason there is one, of which, as the writers in the SUN seem to have quite forgotten it, it may not be amiss to remind them. The foundation of Mr. Windham's motion, as a thing in which Mr. Pitt must acquiesce, was *the conduct of Mr. Pitt himself*, upon an occasion exactly similar *last year*. He supported Mr. Fox's motion of the 23d of April, upon the ground, that, as the then ministers had proved themselves to be *weak and incapable* men, the House of Commons ought not to trust them to provide for the defence of the country; but, ought to go into a committee, in order there not only to revise the several bills that had been passed for the national defence, but to devise such further means as might, upon examination, appear necessary to be adopted for that important purpose. In the course of his speech there was scarcely a term or epithet expressive of ministerial "*incapacity and imbecility*," which he did not make use of over and over again. At the close of that ever-memorable speech he thus expressed his reasons for voting for the motion for the House to go into the committee. "Ministers have been equally injudicious in every other project of defence. The fact is, that ministers, so far from having spontaneously taken any vigorous measures for the defence of the country, I state boldly, that no part of the increase of the military establishment of the country has originated with them. Any benefit

“that may have resulted from the army of reserve act, is not, I assert, attributable to ministers, who were quite at a loss what course to take, and who knew not, in fact, what measures were applicable to the dangers of the country. Is not this enough to expose the mind of ministers; to show their disacquaintance with the means of executing even their own purposes? Indeed, I am perfectly convinced of their want of vigour; every circumstance serves to show it, and I have, therefore, the strongest conviction upon my mind, that they are *incapable* of acting upon any thing like system, of adopting or executing any energetic or well-digested plan for the defence of the country. I do not, of course, place any hope in their exertions, and, therefore, concur in the propriety of the proposed committee, where every question connected with our security may be fully investigated.” Well, then, Mr. Windham, might have said, we see, that the ministry now contains all the same men, the *very same men*, with the exception of Lord St. Vincent and Mr. Yorke, that it contained when this speech was made. Therefore, Mr. Pitt must unsay what he said upon Mr. Fox’s motion, he must confess that he gave an *untrue* description of eight out of the eleven of his present colleagues, he must, in open parliament, re-gorge the charges of “*incapacity and imbecility*,” or, he must insist that he and the three other new cabinet ministers (aided by Messrs. Canning, Trotter, Fordyce, Huskisson, &c. &c.) possess all the present capacity and energy, and that the noble Sidmouth and his part of the cabinet are nothing more than mere signs of ministers, merely like wooden-backed books in a library: “one of these courses he must take,” it was observed on a former occasion, “or he *must* assent to the propriety of going into the proposed committee.” I was mistaken. He found out a course which I did not perceive, and which, if I had perceived it, I should have thought quite impossible for him to pursue. Yet, why should I not have thought it possible, and even likely? Yes, this question is pertinent enough *now*; but, in spite of every thing that had passed, I could not, a month, only a month ago, have believed of him what I have now witnessed. It is curious to look back, and to trace him downwards in one’s mind!—He could not have answered Mr. Windham’s speech; that was out of his power; but, he would have attempted it, could he have ventured to re-assert his former opinions respecting the “*incapable* and “*imbecile*” ministers who are now his col-

leagues. If he spoke, it was absolutely necessary to make this re-assertion, or to unsay his former assertion. The latter he was ashamed to do in so direct a manner; and the former he knew would have driven him from his place, and from the cabinet for ever. —Indeed, it was positively and most exultingly asserted amongst the partisans of the noble Lord Viscount Sidmouth, that Mr. Pitt, whenever Mr. Windham’s motion came on, would find it convenient to unsay in the most unqualified manner, all that he had said last year respecting the “*incapacity* and “*imbecility*” of Mr. Addington; and THE TIMES (the Addington newspaper) went so far as to state, that they (the writers in that paper) had “much too high an opinion of the heart as well as the head of the Right Honourable Chancellor of the Exchequer” [this paper has never called him *the minister* since the noble Lord Viscount Sidmouth’s return to power] “not to believe that he would *seize the earliest opportunity* of not only acknowledging, that his charges against Mr. Addington were unjustified by *fact*” [that is to say that they were false], “but that the measures and conduct of that gentleman, who was so unworthily treated, deserve high commendation, and ought to be imitated by his successors to the latest posterity.” The Viscount was, in the mean time, taking, upon this subject, a corresponding tone in the House of Lords. In the debate on the 15th ultimo, in allusion to what had been said relative to the “*incapacity and imbecility*,” with which his present colleagues formerly charged him, he said: “I have to-night, for the first time since I have had the honour of a seat in this House, heard what I have been too much accustomed to hear in another place, of the *inefficiency* of His Majesty’s ministers. I ever have, and ever shall, treat such charges and insinuations, come from what quarter they will, with the contempt they deserve.” Mr. Pitt had been an observer of this; and, therefore, he chose, upon Mr. Windham’s motion, the course of silence, leaving his partisans to give to that silence the most favourable interpretation; and, on their making most strenuous efforts he might safely rely, because, however their opinions of him may be altered, however they may, in their hearts, think meanly of him, yet they are, they have long been, and they must remain, his partisans, or be politically annihilated: they wear his livery, and, like the footman of Nell Gwyn, they are fighting for their own reputation, and not for his. “What business had you fighting?” said Nell, looking out of her coach-window.

"Why, madam," said the knight of the rainbow, "this fellow called your ladyship a whore.".... "Poh! you fool!" said she, "every body knows that!".... "Do they so," said the knight to himself, "but they shall not call me a *whore's footman* though, as long as I have a pair of fists." This is a distinction which is founded in reason and nature; but it is one, which, in estimating the conduct of political partisans, we too often leave out of the account.—A very few days *after* the Viscount had made the speech above referred to in the House of Lords, had so openly expressed his *contempt* of all those who should talk of the imbecility and incapacity of himself and his colleagues, alluding, at the same time, very intelligibly to what had passed in the other House of Parliament. Four days after this (that is on the 19th ultimo) and only a day or two after the above-quoted broad hint had appeared in THE TIMES newspaper, Mr. Pitt (in a conversation upon the salt duty, and in answer to what Mr. Sheridan had hinted at respecting the care which ought to be taken not to run down the measures and opinions of the late finance minister) said: "I am disposed to pay *every respect* to the rt. honourable person, to whom the honourable gentleman has alluded; and I cannot prove that disposition better than by *adopting his conduct*!"!!! Adopting his conduct! Disposed to show "*every respect* to," and even to "*adopt the conduct*" of the "*incapable and imbecile*" ministry! Of that very minister, whom he had loudly accused of "tardiness, incongruity, languor, incapacity, and imbecility!" Show every respect to, and adopt the conduct of, him to whom, though minister, he "boldly" asserted, that no part of the measures taken for the defence of the country ought to be attributed! This *bold* tone seems to be gone off, as far, at least, as relates to the Viscount and his friends.—There is no getting over this. There is no quitting the subject. The surprise, or whatever feeling it may be called, is such as to divert the mind from every thing else. What! disposed "to show *every respect*" to that person to whom he was alluding, when, in the debate of the 18th of June last, he said: "it is insinuated, that there has not been a sufficient change in the ministry; but, surely, the right hon. gentleman below, must, at least, be satisfied, that the change is sufficient, and that the present is really a *new* administration. Few will doubt, that a very *real* change has taken place, when they consider that the office of first Lord of the Treasury is *now* held by me!" And yet,

the man who made these modest observations, now stands up in the very same place, and declares in the hearing of the same assembly, that he is disposed "to show *every respect*" to, and to "*adopt the conduct of*," the person with whom he was here putting himself in contrast! There is nothing like this in the history of parties in this country, or in any other history that the world ever saw.—Mr. Canning, too! He that used to joke about "the Doctor's emetics," and about "brother Hiley's 14 shilling warm great coats!" I'll warrant that he will crack no more jokes upon the medical profession. Van Butchell and other gentlemen of that description will, in future, be spared in his verses; and, as to the great coats, he will never put on his own without recollecting, that that is a subject to be avoided. Mr. Canning! he who "objected to the *head*" of the late administration, and who told the House of Commons, that "*that was changed*!" Mr. Canning! yes this very Mr. Canning never even alluded to that part of Mr. Windham's speech, wherein, as the very foundation of the argument for going into the committee, upon the avowed sentiments and principles of Mr. Pitt, it was stated, urged, and insisted on, that the late cabinet, when compared with the present one, was a cabinet of wisdom and vigour. This was the part of the speech to answer first of all. It was first in importance as well as first in order. Last year, said Mr. Windham, you voted and spoke in favour of just such a motion as this, in favour of a proposition for the House to take into its own hands an examination into the state of our military defence; and this you did, because the ministers were so incapable and imbecile as not to be worthy of our confidence. Well, the cabinet is now composed of the same persons that it then was, except that Lord St. Vincent and Mr. Yorke are gone out, and Mr. Pitt, and Lords Melville, Mulgrave, and Camden are come in. I insist that the present cabinet is, and has by its acts shown itself to be, *more* incapable and imbecile than the late cabinet; and, therefore, I call upon the House, and say, that without glaring inconsistency you must support my call, to go into a committee for the purposes last year proposed.—This came directly home to them. It was a point blank appeal to their spirit. But, all was in vain. Not a word by way of answer from Mr. Canning; not, as was before observed, even an allusion to the contrast that was drawn between the present and the late cabinet. Such was their dread of the consequences, that they dared not assert even that the

present cabinet was *not more* incapable and imbecile than the late cabinet! Never was humiliation so complete as this. Never before were power and emolument purchased at so dear a rate. Call not this conduct *ambitious*! Let not the feeling that dictated it be dignified with the name of *ambition*! Disgrace not so the passion which leads to noble deeds, and which is always distinguished by a contempt of precisely those things, which alone are here kept constantly in view. No: it is not ambition: the operators are not endeavouring to *vault* above the heads of other men, but to *climb* up in the best way they can; and, as was, with respect to them, once before observed, in the words of Swift, "climbing is performed in the attitude of *crawling*." The endeavour will not, however, succeed. The times are approaching when they must rise, if they rise at all, in a very different way. When I see a climbing young friend casting his eye about him; attentively observing the daily increase of grey hairs; minutely calculating ages, constitutions, and contingencies: when, in imagination, I see him lost, as it were, in reveries of this sort, I cannot help calling to mind the fate of poor Captain Blifil, who, while he was walking over his brother's gardens, and forming a plan for altering them when they should fall to him, dropped down dead in an apoplectic fit. A stroke of the funds, or some such thing, would, the young friends may be assured, produce amongst them political consequences not less swift or less fatal.

IRISH HABEAS CORPUS.—The date and the result of the debate in the House of Commons upon the introduction of the bill for the further suspension of the habeas corpus act in Ireland, were noticed in the preceding sheet, to which I beg leave to refer the reader.—Previous to any remarks upon this measure, it seems necessary to describe the nature of the habeas corpus act; for, really, men appear almost to have forgotten what it is. The hired writers in the ministerial newspapers tell us, that "there is one great error or deficiency, that runs through all the military opinions of Mr. Windham, namely, that he appears not sufficiently attentive to the distinction between this *free and happy country* and the *nations of the continent*." [All of them, observe.] "He never takes into his views of the question, that *constitutional jealousy* which this country has ever shown against large standing armies in times of peace. It is on this *constitutional ground* that Mr. Canning decidedly preferred that descrip-

tion of force, which was likely to be procured by Mr. Pitt's defence bill, to that great standing army, which appears to be recommended by Mr. Windham." And, these are the slaves, observe, who have been defending, through thick and thin, all the measures relative to Ireland; the suspension of the habeas corpus act, without inquiry in the first instance, and its renewal for another year and a half, perhaps, still without any inquiry, without any evidence before parliament, whereon to proceed to such an act of rigour, and that, too, at a time, when the parliament had, from the ministerial bench, just been *congratulated* on the "tranquil state of Ireland!" At a time when the hirelings are bawling against the dangers, which the liberties of the people have to apprehend from a standing army, and are, at the same time, justifying the treatment of Ireland, it seems necessary to show what the habeas corpus act is, what that is of which Ireland has been so long, and is to be for so much longer deprived, not only without exciting any portion of that "constitutional jealousy," which Mr. Canning (an Irishman and an Irish member) is said to entertain with respect to a standing army, but without operating powerfully enough with him to prevent him from voting for the further suspension. Endless are the eulogies that have been pronounced upon the *writ* of habeas corpus, particularly as its powers are explained in the act, called the habeas corpus act, which was passed in the 31st year of King Charles the Second. I will, at present, confine myself to BLACKSTONE, who has taken great pains to describe this valuable and once revered part of our laws. "In a former chapter of these commentaries," says he, "we expatiated at large on the personal liberty of the subject. It was shown to be a natural inherent right, which could not be surrendered or forfeited unless by the commission of some great and atrocious crime, nor ought to be abridged in any case without the special permission of law. A doctrine co-eval with the first rudiments of the English constitution; and handed down to us from our Saxon ancestors, notwithstanding all their struggles with the Danes, and the violence of the Norman conquest: asserted afterwards and confirmed by the Conqueror himself and his descendants: and though sometimes a little impaired by the ferocity of the times, and the occasional despotism of jealous or usurping princes, yet established on the firmest basis by the provisions of *Magna Charta*, and a long succession of statutes enacted under Ed-

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ward III. To assert an absolute exemption from imprisonment in all cases, is inconsistent with every idea of law and political society; and in the end would destroy all civil liberty, by rendering its protection impossible: but the glory of the English law consists in clearly defining the times, the causes, and the extent, when, wherefore, and to what degree, the imprisonment of the subject may be lawful. This induces an absolute necessity of expressing upon every commitment the reason for which it is made; that the court, upon an *Habeas Corpus*, may examine into its validity; and according to the circumstances of the case may discharge, admit to bail, or remand the prisoner." (Book II. ch. 8.) Thus, we see, that according to the opinion of this very eminent lawyer, the personal liberty of the subject is no *new* thing in England. That it is not, when enjoyed, a gift of any body, and that it has not arisen from any modern institutions; but, that is a right, not only of nature, but of inheritance from the earliest times. After describing, in another place, the extensive operation, and efficacious nature of the writ of *Habeas Corpus*, the same writer proceeds thus to speak of the excellence of the *act* which prescribes the methods of obtaining the writ. "By 31 Car. II. ch. 2." says he, "commonly called the *Habeas Corpus Act*, the methods of obtaining this writ are so plainly pointed out and enforced, that, so long as this statute remains unimpeached, no subject of England can be long detained in prison, except in those cases in which the law requires and justifies such detainer. And, lest this act should be evaded by demanding unreasonable bail, or sureties for the prisoner's appearance, it is declared by 1 W. and M. st. ii. c. 2. that excessive bail ought not to be required.—Of great importance to the public is the preservation of this personal liberty: for, if once it were left in the power of any, the highest magistrate to imprison arbitrarily whomever he or his officers thought proper, (as in France it is daily practised by the crown) there would soon be an end to all other rights and immunities. Some have thought, that unjust attacks, even upon life, or property, at the arbitrary will of the magistrate, are less dangerous to the commonwealth, than such as are made upon the personal liberty of the subject. To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at

once convey the alarm of tyranny throughout the whole kingdom. But—
ment of the person, by secretly hurrying him to gaol, where his sufferings are unknown or forgotten, is a less public, a less striking, and, therefore, a more dangerous engine of an arbitrary government." (Book I. c. 1.) I am, and always have been, one of those who entertain this opinion. The partial, capricious and cruel blows of despotism are much less injurious to the general and real liberties of a country, than are any of those proceedings, by which tyranny is exercised under the names, and with the forms and appearance of law and justice. Nobody sees the man that is carried off to a gaol; or, if they do, it is an ordinary act, though, in reality, it may be wickedly unjust. I do not here mean to insinuate, that such acts of wickedness have been committed in Ireland, under the suspension of the *Habeas Corpus Act*; for, I am, as most other persons in this country are, totally ignorant of the matter. But, if we do not allow, that such acts may be committed in consequence of such suspension, all the praises which have been bestowed upon this "second magna charta and stable bulwark of our liberties," as Blackstone elsewhere calls it, are mere empty sounds, which can be of no use, except to amuse ignorant people with the illusion of liberty and security. Blackstone, in a subsequent part of his *Commentaries*, gives an account of several shifts and contrivances, by which the benefit of "this great constitutional remedy" were defeated, by the judges and others. "But," says he, "whoever will attentively consider the English history, may observe, that the flagrant abuse of any power, by the crown or its minister, has always been productive of a struggle; which either discovers the exercise of that power to be contrary to law, or (if legal) restrains it for the future. This was the case in the present instance. The oppression of an obscure individual gave birth to the famous *Habeas Corpus Act*, 31 Ch. II. c. 2, which is frequently considered as another *Magna Charta* of the kingdom; and by consequence has also in subsequent times reduced the method of proceeding on these writs (though not within the reach of that statute, but issuing merely at the common law) to the true standard of law and liberty.—The statute itself enacts, 1. That the writ shall be returned and the prisoner brought up within a limited time, according to the distance, not exceeding in any case twenty days. 2. That such writs shall be endorsed as grant-

“ ed in pursuance of this act, and signed by
 “ the person awarding them. 3. That on
 “ complaint and request in writing, by or
 “ on behalf of any person committed and
 “ charged with any crime (unless committed
 “ for treason or felony expressed in the
 “ warrant, or for suspicion of the same, or
 “ as accessory thereto before the fact, or
 “ convicted or charged in execution by legal
 “ process) the Lord Chancellor or any of
 “ the twelve judges, in vacation, upon view-
 “ ing a copy of the warrant or affidavit
 “ that a copy is denied, shall (unless the
 “ party has neglected for two terms to apply
 “ to any court for his enlargement) award
 “ a Habeas Corpus for such prisoner, re-
 “ turnable immediately before himself or
 “ any other of the judges; and upon return
 “ made shall discharge the party, if bail-
 “ able, upon giving security to appear and
 “ answer to the accusation in the proper
 “ court of judicature. 4. That officers and
 “ keepers neglecting to make due returns,
 “ or not delivering to the prisoner or his
 “ agent within six hours after demand a
 “ copy of the warrant of commitment, or
 “ shifting the custody of a prisoner from
 “ one to another without sufficient reason
 “ or authority (specified in the act) shall
 “ for the first offence forfeit 100l. and for
 “ the second offence 200l., to the party
 “ grieved, and be disabled to hold his of-
 “ fice. 5. That no person, once delivered
 “ by Habeas Corpus, shall be recommitted
 “ for the same offence on the penalty of
 “ 500l. 6. That every person committed
 “ for treason or felony shall, if he requires
 “ it the first week of the next term, or the
 “ first day of the next session of *Oyer* and
 “ *Terminer*, be indicted in that term or
 “ session, or else admitted to bail; un-
 “ less the King's witnesses cannot be
 “ produced at that time: and if acquitted,
 “ or if not indicted and tried in the second
 “ term or session, he shall be discharged
 “ from his imprisonment for such imputed
 “ offence: but that no person, after the
 “ assizes shall be opened for the county in
 “ which he is detained, shall be removed
 “ by Habeas Corpus, till after the assizes
 “ are ended; but shall be left to the justice
 “ of the judges of assize. 7. That any such
 “ prisoner may move for and obtain his
 “ Habeas Corpus, as well out of the Chan-
 “ cery or Exchequer, as out of the King's
 “ Bench or Common Pleas; and the Lord
 “ Chancellor or Judges denying the same,
 “ on sight of the warrant or oath that the
 “ same is refused, forfeit severally to the
 “ party grieved the sum of 500l. 8. That
 “ this writ of Habeas Corpus shall run

“ into the counties palatine, cinque ports, and
 “ other privileged places, and the islands
 “ of Jersey and Guernsey. 9. That no
 “ inhabitant of England (except persons
 “ contracting, or convicts praying to be
 “ transported; or having committed some
 “ capital offence in the place to which they
 “ are sent) shall be sent prisoner to Scot-
 “ land, Ireland, Jersey, Guernsey, or any
 “ places beyond the seas, within or without
 “ the King's dominions: on pain that the
 “ party committing, his advisers, aiders,
 “ and assistants shall forfeit to the party
 “ grieved a sum not less than 500l. to be
 “ recovered with treble costs; shall be
 “ disabled to bear any office of trust or
 “ profit; shall incur the penalties of pre-
 “ munire; and shall be incapable of the
 “ king's pardon.” (Book III. ch. 8.)
 Drawing towards the end of his work, the
 commentator thus concludes his account of
 the progress and completion of the restoration
 of English liberty. His words are well worth
 remarking. “ Though the monarch,” says he,
 speaking of King Charles the Second, “ in
 “ whose person the royal government was
 “ restored, and with it our ancient con-
 “ stitution, deserves *no commendation* from
 “ posterity” [not very *grateful* nor very
decent], “ yet in his reign, the concurrence
 “ of *happy circumstances* was such, that,
 “ from thence we may date, not only the
 “ re-establishment of our church and mo-
 “ narchy, but also the complete restoration
 “ of English liberty, for the first time
 “ since its total abolition at the conquest.”
 [And yet the king deserves *no commendation*
 from posterity!] “ For therein not only
 “ these slavish tenures, the badge of foreign
 “ dominion, with all their oppressive ap-
 “ pendages, were removed from incumber-
 “ ing the estates of the subject; but also
 “ an additional security of his person from
 “ prison was obtained, by that great bul-
 “ wark of our Constitution, the Habeas
 “ Corpus Act. These two statutes, with
 “ regard to our property and persons form
 “ a second *Magna Charta*, as beneficial and
 “ effectual as that of Runny Mead. That
 “ only pruned the luxuriances of the foedal
 “ system; but the statute of Ch. 2. extirpated
 “ all its slaveries; except perhaps in copyhold
 “ tenure; and there also they are now in
 “ great measure enervated by gradual cus-
 “ tom, and the interposition of our courts
 “ of justice, *Magna Charta* only, in general
 “ terms, declared, that no man shall be im-
 “ prisoned contrary to law: the *habeas cor-
 pus act* points him out effectual means, as
 “ well to release himself, though committed
 “ even by the King in council, as to punish

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"all those who shall thus unconstitutionally misuse him."—One word here with Mr. Judge Blackstone. Not for the purpose of justifying all the deeds of King Charles the Second; but, for the purpose of denying that broad assertion, that he "deserves no commendation from posterity." Had the King any thing to do in passing these beneficent laws; or had he not? If he had not, it is extremely unjust to blame him for the evil deeds of his reign; if he had, he does, notwithstanding those evil deeds, deserve great commendation from posterity. Gold-mith, whose history I happen now to refer to, says of the habeas corpus act, that "this law alone would have been sufficient to endear the parliament that made it to posterity." Was it, then, made in spite of the King? And in spite of his ministers too? Surely, then, he could not be so very arbitrary a King; or, which would be rather strange, he must have selected and continued in his confidence, ministers bearing singular attachment to the liberties and privileges of the people.—Having thus entered my protest against an attempt to blacken the memory of that king, from under whose hand we received those laws which are our greatest boast, I will now return to my subject.—The passages I have quoted from Blackstone furnish us with a true description of the nature, tendency, and use of the habeas corpus act. From them, therefore, we may form a judgment of the magnitude and value of that part of the constitution, of which, by the suspension law, the people of Ireland are deprived; and, as there is no just and reflecting Englishman that would wish to deal to the people of Ireland a measure that he would not like to be dealt to himself, it must, with every such man, be a subject of regret, that the people of Ireland are so deprived. Nevertheless, it may be necessary that this deprivation should have existed, and that it should still exist. This is agreed to on all hands. In America they have defined the cases, when it shall be constitutional to suspend the habeas corpus act; and, they are, I believe, only two; namely, those of *actual invasion* and of *actual rebellion in arms*. Such a restriction may be unwise; and, if a third case of great emergency were to arise, all that the Americans would have to do, would be to alter the constitution itself first, and then alter the act. There can be no such thing as an *unalterable* law. It is the *spirit* of the constitution which statesmen and legislators must take for their guide; and, therefore, the present suspension of the habeas corpus act in Ireland must be justified, if at all, by the necessity and urgency of the

case, and by showing that, in such cases, the habeas corpus act has heretofore been, and is always expected to be, suspended. "Sometimes," says Blackstone, "when the state is in *real danger*, even this may be a necessary measure. But the happiness of our constitution is, that it is *not left to the executive power to determine* when the danger of the state is so great as to render this measure expedient. For the parliament only, or legislative power, whenever it sees proper, can authorise the crown, by suspending the habeas corpus act for a *short and limited time*, to imprison suspected persons without giving any reason for so doing. As the Senate of Rome was wont to have recourse to a dictator, a magistrate of absolute authority, when they judged the republic in any imminent danger. The decree of the Senate, which usually preceded the nomination of this magistrate, "*dent operam consules, nequid res publica detrimenti capiat*," was called the "*Senatus Consultum ultimæ necessitatis*." In like manner this experiment ought only to be tried in cases of extreme emergency; and in these the nation parts with its liberty for a while, in order to preserve it for ever." (Book I. Ch. 1.) Now, as to the nature of the case in Ireland, we know nothing for certain; nor does the parliament, that we know of, know any thing. When, therefore, the bill for continuing the suspension, was offered to the House of Commons, Sir John Newport made a motion for a previous inquiry, by a secret committee of 21 members, as to the necessity of such continuation. No, said the ministers, we have, unfortunately, but too certain information; we are perfectly satisfied of the absolute necessity of the measure. "But," says Blackstone, "the happiness" [mark his words!] "the happiness of our constitution is, that it is not left to the executive power to determine when the danger of the state is so great as to render this measure expedient." In the reign of a king who deserves "no commendation of posterity," it might not, perhaps; but, it is pretty evident, I think, that things are now somewhat changed. Not a jot, say the ministers. Not a jot: it is not left to the executive power now: parliament has determined; and that, too, upon such thorough conviction, that the standing order of the House of Lords was repealed, in order that the bill might pass through all the three stages in one day! Really? Well that is something more than ordinary! But, though we are to suppose, that this conviction has been experienced, we, the people I mean, have not perceived the source whence it was

likely to have arisen. *Notoriety*, say the ministers. And, indeed, notoriety is, in many cases, capable of furnishing the strongest conviction. As, for instance, when an invasion by the enemy has taken place; when any part of the people are assembled in open insurrection; or when, upon the spot where the parliament is sitting, there are evidently plans contriving for the subversion of the government; or for effecting treasonable purposes of a nature even less extensive in their intended and probable consequences, especially if the times, generally, are such as to render such plans more likely to be attended with success. Yet, in the case of *plots and conspiracies*, some information given to parliament, either at the bar of the Houses, or from the reports of their secret committees, does appear to be indispensably necessary, in order to justify the suspension of an act, which is styled, and with propriety, "the bulwark of the liberties of the people." In the present instance, none of these sources of notoriety seem to have existed. Certainly there was no invasion; nor was there any insurrection. At the first passing of the suspension bill, there was an insurrection in Dublin, which has since been, by the ministers of Ireland themselves, repeatedly termed, "the dispute in Thomas's street." The ministers here have constantly insisted, that, notwithstanding that insurrection (for an insurrection it really was), the rest of Ireland was perfectly tranquil and loyal. Some inquiry, therefore, should have been made, something to satisfy the parliament, of the existence of facts so far beyond the sphere of the personal observation of the much greater part of its members, which circumstance of locality should always greatly add to the caution in passing such acts as that we are now speaking of. Of the state and temper of the people of Ireland, the far greater part of the members of parliament could know very little more than the public of this country; and, I appeal to any one who may take the trouble to read these remarks, whether the newspapers, the ministerial ones in particular, have not, for several months past, invariably asserted the state of Ireland to be perfectly tranquil; the disposition of its people to be loyalty itself? A specimen may not be amiss, and it shall come from the Morning Post of the 13th of December. "No symptoms of discontent have, of late, been manifested in Ireland. The great body of the people, in that country, are attached, in a remarkable degree, to the government; and, the country in general is in a far more tranquil state than it has been for many years past. The people are actuated

"by the most sincere and ardent sentiments of loyalty; and, should the enemy succeed in reaching the shores of that country, he will find hundreds of thousands ready to repel the aggression, and to turn the attempt to the utter destruction of the aggressors." Such, or nearly such, has been the language of all the ministerial prints, without a single exception. But, indeed, the acknowledgments made by the Irish members themselves in parliament, upon the occasion, were such as to make it plainly a matter of great doubt, whether or not there existed any necessity for the measure. During the first debate, more than one of those who supported the bill, represented the part of Ireland, to which they belonged, as being in a state as tranquil as that of any county in England. Still, however, as *notoriety* was the ground, and as the object was to reject the proposition for inquiry, though, a motion of Lord Henry Petty would have passed the act for two months, in order to give time for inquiry, a description of Ireland, very different indeed, from that which we had so long been accustomed to contemplate, was, at last, given to the House of Commons, by Mr. Macnaughton, Mr. Bagwell, Lord de Blaquiere, Mr. May, and Doctor Duigenan. The first stated, that the dangers of Ireland had not been mentioned in the speech from the throne, on account of the notoriety of the case; that the object was to prevent the recurrence of the horrors of 1798 and 1803; that if this act had been in force in 1803, Lord Kilwarden would not have been murdered; that the loyal subjects had increased in Ireland, but that was no reason why they should be taken less care of now than formerly; that jacobins still existed in Ireland, and were not to be despised on account of the smallness of their numbers; that if any members could hazard so desperate an assertion as that there were no jacobins in Ireland, he cautioned the committee against them.—Mr. Bagwell said, that acts of atrocity had been committed without the possibility of the offenders being detected; and that the state of the country was such, that no one could take the lands of old occupiers, without being in danger of assassination.—Mr. May mentioned, that several gentlemen had been murdered without the possibility of bringing the offenders to justice; that the lower orders of the Catholics expected, by the aid of France, to be placed in the situation of the Protestant establishment; that these were in general a religious mob, headed by low and ignorant priests; that they had conceived hopes of being put on an equality with the Protestants, and that the suspension of the

[349] Habeas Corpus Act was necessary to prevent them from breaking out into violent outrages, in case they were disappointed.—Lord De Blaquiere mentioned, in proof of the necessity of the measure, the resolutions of the magistrates of the county of Waterford. He also told a story, to shew the vigilance with which the Irish jacobins pursued witnesses, whom they called insurgents, and the consequent danger of requiring evidence. Some relations of his had procured a witness of the name of Hayley, and in order to keep him safe till the time of trial, they sent him with his wife to Liverpool, and from thence to London. He was pursued, however, and murdered in Piccadilly, as they usually were in Ireland. His lordship also adverted to the proceedings of the 4th of this month in the French Senate, which clearly shewed how much they depended for assistance on the Irish jacobins.—Dr. Duigenan said, that the argument of the noble lord was, that the murder in Piccadilly had been perpetrated by Irish jacobins, and was therefore a good reason why an inquiry should not be instituted, on account of the danger to the witnesses. He asked, if gentlemen were aware of the situation of Ireland. He said, that he might be allowed to be as good a judge of that situation as any of the gentlemen on the other side, who could scarcely have the same regard for Ireland as he had; that he might from his local knowledge be allowed to be a better judge; that three or four counties were particularly disturbed; that the case of the county of Waterford was notorious, where gentlemen's houses were broken into in the night, and their arms taken from them; that they were obliged to keep a large train of servants, and all were massacred if they made any resistance; that nightly meetings were held in the county of Carlow; that the same thing was done in the counties of Kildare and Limerick; that in Dublin patrols of cavalry and infantry were obliged to scour the streets, in order to prevent murder, assassination, and plots against government; and that if all this was not notoriety, he should be glad to know what notoriety was.—Most assuredly quite enough, if all this had been upon the spot where the Parliament was sitting; because, then, it would have been notorious to the Parliament. As it was, it was *not notorious* to the greater part of the parliament, and could not possibly be so.—The motion of Lord Henry Petty did, however, bring forth a pretty full confession, that Ireland is in a most wretched and dangerous state; a confession that certainly will not fail to give great encouragement to the enemy, and which confession might have been entirely

avoided by the mode of inquiry proposed in the motion of Sir John Newport.—Mr. Macnaughton's argument, that if the Habeas Corpus Act had been suspended previous to the month of July, 1803, Lord Kilwarden would not have been murdered, is a very good one for *the repeal of the act altogether*, and, therefore, good for the suspension, but only as far as the suspension can be regarded as part of a more extensive measure.—Mr. Pitt's arguments and declarations (knowing as we do that they must be perfectly consonant with those of the other Premier) are much the most interesting and most alarming. "In the present case," said he, in answer to Lord Henry Petty, "no one has denied the necessity, although many wish for parliamentary proof. In my opinion, the necessity is clear, when we have a war with France, who openly threatens that country with invasion, who relies on internal dissensions, who has given refuge to those Irishmen who fled for treason, formed them into regiments to serve as their advanced guard, and collected pilots for their threatened expedition. When all these things are notorious, I think there is notoriety enough to justify strong measures for the security of that country." And, in the debate upon Sir John Newport's motion, he confessed, that he saw little prospect of being able to recommend a discontinuance of the suspension, while we were thus situated with regard to France; but, at the same time, took no blame to himself, and could only lament, in common with others, that we had to live in such unfortunate times! The sentiment conveyed in this latter member of the sentence is one that would, if there were time, merit a remark or two. But as to our continuing the suspension of the Habeas Corpus Act, because there is (for I shall suppose the intelligence perfectly true) an Irish committee sitting at Paris; and because Napoleon has regiments of Irish, and has engaged Irish pilots to conduct his ships to their native country; if we act thus upon such grounds, Ireland may bid adieu to the Habeas Corpus Act for ever; for, we have now told Napoleon the exact expense at which, as far as regards the people of Ireland, he may destroy that Constitution, for the preservation of which they are called upon to fight against him. The times are, indeed, different from what they used to be! When were there not *Irish Regiments* in the French service? Yet, did that circumstance ever embolden a minister to come to parliament for a suspension of the Habeas Corpus Act? This will never end. It

cannot end; for, Napoleon would be mad to discharge his Irish committees and corps. What in all the world could have induced an English minister thus to raise into real, into great, into lasting consequence, a set of men, whom it ought to have been his wish to make all the world forget, particularly the people of Ireland?

SINKING FUND.—The insertion, in the preceding part of this sheet, of the annual report of the American Secretary of the Treasury, suggests the utility of borrowing, from the American mode of reducing the national debt of that country, an illustration of the nature and tendency of the famous fund, which we have, or think we have, for a similar purpose, with regard to our own national debt. — I have repeatedly stated, and, I think, proved, that our sinking fund does not at all lessen the national debt; that it has not the least tendency to lessen that debt; and that the words, *reduce, redeem, liquidate, &c. &c.* as applied to the effects of that fund, are totally misapplied, and are intended to deceive the people, or, which is more likely to be the case, are made use of from the deception under which those who make use of them do themselves labour. — My position is this: that as the national debt is felt by the people only in the *interest*, which they are annually called upon to provide in taxes, the amount of that interest is the only measure of the magnitude of the debt; and, that, as the operation of the sinking fund has not, and cannot, lessen the amount of the interest, it cannot lessen the magnitude of the debt. We are told, that the Sinking Fund has accumulated to such an extent, that it has already *redeemed* 70 millions of the debt. But, how has it redeemed it? How can these 70 millions be said to be *redeemed*, while we have annually to pay *interest on them*? So long as we have to pay interest upon the *whole* of the debt, what is it to us, whether we pay it to individuals or into the hands of ministerial Commissioners? What signifies the name that we give to it, whether *redeemed* or *unredeemed* debt, so that we are still compelled to pay the interest upon it; so that it lays just as heavy upon us, as it would have done, if no trick, like that of the Sinking Fund had been devised? This is so evident to every man of common sense, that the people in general (I may say nine hundred and ninety-nine out of every thousand) have entertained hopes of relief from the Sinking Fund, only because they understood, and firmly believe, that the effect of that fund was gradually to *lessen* the amount of the interest and

expenses, which constitute the annual charge on account of the national debt, and consequently to lessen the taxes raised upon them on account of debt. Into this error they were deluded by the use, or rather *abuse* of words, which had never before been used but for the purpose of expressing the act of making a *real diminution* in the quantity of the thing spoken of. When they were told, that the sinking fund was to *reduce, to redeem, to liquidate, to clear off, to pay off, &c. &c.* such and such portions of the national debt annually, how were they to avoid supposing, that the interest of the debt would go on diminishing with the principal? This they did believe, and this they do, for the far greater part, believe now. They feel, indeed, that the *taxes* come on them incessantly; but, they ascribe this to any thing rather than the national debt, because most of them, even down to footmen and chambermaids, have something in the funds. So general is the persuasion, that the sinking fund *reduces* the *interest* of the debt, that, no longer than about eighteen months ago, the fact was asserted to me by a merchant of considerable eminence, and one who possessed at the time from thirty to forty thousand pounds in funded property. When I insisted, that the sinking fund produced no relief to us; that it did not, and would not, in the least *lessen the annual charge upon us on account of interest of the debt*; he not only expressed his *astonishment*, but contested the point with me, till I brought him to my house, and shewed him the accounts, where he saw, that, since the year 1791, the annual interest (including charges) of the national debt, had gone on *increasing* from 10 to 25 millions, and that the sinking fund had not tended to check its increase even in the smallest degree; where he saw *all the stock still continue in existence*, just the same as if there had been no sinking fund, only that part of it was said to be held by government commissioners instead of being held by individuals, but that interest must still, he clearly saw, be continued to be paid upon it all, or else the whole of the paper fabric would instantly vanish. Now, if a person like this was so completely deceived, what must we naturally suppose to be the case with the public in general? With the footmen and chambermaids who are the creditors of the government? [Here I am obliged to break off; but the subject shall be continued in my next sheet; and I do flatter myself, that I shall succeed in placing it in a clear and true light.]